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| APPLICATION NO.           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 10/734,683                | 12/12/2003  | Ilija Rojdev         | HILB/765            | 1225             |
| 26875                     | 7590        | 05/13/2005           | EXAMINER            |                  |
| WOOD, HERRON & EVANS, LLP |             |                      | ROYAL, PAUL         |                  |
| 2700 CAREW TOWER          |             |                      | ART UNIT            |                  |
| 441 VINE STREET           |             |                      | PAPER NUMBER        |                  |
| CINCINNATI, OH 45202      |             |                      | 3611                |                  |

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/734,683             | ROJDEV ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Paul Royal             | 3611                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/19/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-9, 12, 13, 15, and 18-23, 26-28 and 30 are rejected under 35

U.S.C. 102(b) as being anticipated by Ross (US 2,608,028).

Ross teaches a grave marker and grave marker memorabilia compartment assembly adapted to couple to a grave marker and to provide display and storage for mementos and other items of memorabilia, said grave marker memorabilia compartment assembly comprising:

a bronze grave marker plate (10), wherein the plate is generally rectangular having a pair of sides extending in a longitudinal direction and a pair of sides extending in a transverse direction;

a generally rectangular base (combination of 13 and concrete) for interment into the ground;

a copper retainer (19) coupled to an underside of said grave marker plate for retaining the mementos and other items of memorabilia; and

a hinged retainer door (30) formed in said grave marker plate having an open and closed position, the mementos and other items of memorabilia viewable when said retainer door is in the open position,

the retainer door (30) being generally rectangular having a longer pair of sides extending in a longitudinal direction and a shorter pair of sides extending in a transverse direction,

the retainer door (30) has a top surface forming at least a portion of a top surface of the grave marker plate when in the closed position, the top surface including an inscription (see cross shaped inscription in Figure 1);

wherein the retainer comprises a bottom wall and at least one sidewall defining an opening at a top end thereof, the at least one sidewall having an outwardly extending lip (formed at contact point with 30) adjacent the opening, the retainer (19) coupling to the underside of the grave marker plate along the lip;

a latch (35) for securing the retainer door in the open and closed position.

Note, where the marker includes a notch (36) formed in the marker plate (10), it forms a section where the retainer door (30) has a lip which extends adjacent the opening so that it is possible to grasp the closure plate/retainer door (30) with a finger of the hand, see column 3, lines 45-51.

Note, the retainer (19) sits within the recess/cavity/interior well (14) formed in the top surface of the base (13).

Note the recess/cavity well (14) has an opening 20 that leads to the exterior of the base, thus in the broadest sense the recess extends through the base.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 11, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, as applied to claims 1 and 15, respectively, in view Davis (US 4,722,160).

Ross teaches a grave marker and grave marker memorabilia compartment assembly as recited but does not teach a tubular receptacle having a door formed in the grave marker plate and having an open and closed position.

Davis teaches a combination grave marker and tubular flower receptacle (19/130) including having a receptacle door (17) formed in the grave marker plate (14), the tube (19/130) having an axis along the length of the tube, the axis being in a substantially vertical orientation when the flower receptacle door is in the open position, the tube adapted to receive flowers when the door is in the open position, and the receptacle door (17) having an open and closed position to provide a grave marker and flower receptacle combination which is simple in construction, economical to manufacture and simple and efficient to use.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the grave marker and grave marker memorabilia compartment assembly to include a tubular flower receptacle having a receptacle door formed in the

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grave marker plate, the tube having an axis along the length of the tube, the axis being in a substantially vertical orientation when the flower receptacle door is in the open position, the tube adapted to receive flowers when the door is in the open position, and the receptacle door having an open and closed position, as taught by Davis, to provide a grave marker and flower receptacle combination which is simple in construction, economical to manufacture and simple and efficient to use.

Note, the flower receptacle of Davis is suitable for receiving candles as well as flowers.

3. Claims 2-3, 14, 16-17 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, as applied to claims 1 and 15, respectively, in view Erber et al. (US 5,353,536).

Ross teaches a grave marker and grave marker memorabilia compartment assembly as recited but does not teach a transparent member and sealing gasket as recited.

Erber et al. teaches a display assembly which includes a sealing gasket member (14) juxtaposed between a transparent member (12) and a rear member/plate member (6) to provide a watertight seal for the item displayed in the assembly.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the grave marker and grave marker memorabilia compartment assembly to include a sealing gasket member juxtaposed between a transparent

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member and a rear member/plate member, as taught by Erber et al., to provide a watertight seal for the item displayed in the assembly.

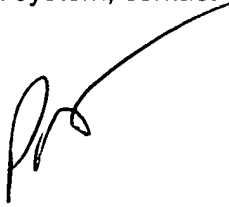
### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rojas teaches a burial marker and display box. Greiwe et al. teaches a cremation container. Joersz teaches a storage system. England teaches a memorial marker. Weiss teaches a monument marker.

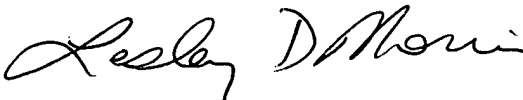
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
P. Royal  
5/11/05

Paul Royal  
Examiner  
Art Unit 3611

  
**LESLEY D. MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**